

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ian Murray

Serial No.: 10/544,091

I.A. Filing Date: January 29, 2004

Docket No.: 103376-00176

STATEMENT OF FACTS IN SUPPORT OF FILING ON BEHALF OF EXECUTING  
INVENTOR

Commissioner for Patents  
Alexandria, VA 22313-1450

MAILING CERTIFICATE UNDER 37 C.F.R. §1.8(A)  
I hereby certify that the above correspondence is being deposited with the  
U.S. Postal Service as First Class Mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
on September 8, 2006.

Trish Paramore

Dear Sir:

The undersigned, being the Legal Secretary of the legal representative before the Patent and Trademark Office of Encore Medical Corporation the assignee of above-denoted application, states that:

I forwarded a complete copy of the above referenced patent application to the non-signing inventor Mr. Ian Murray for review on May 9, 2006, via regular U.S. Postal Mail. I requested from Mr. Murray that he respond to me by May 31, 2006, or it will be presumed that Mr. Murray is unwilling to review these applications and sign the attached Declaration/Power of Attorney. A copy of the letter is enclosed. To date I have not received any communication from Mr. Murray.

The last known address of Ian Murray is:

3314 Paper Mill Road  
Suite 201  
Phoenix, MD 21131

I further declare that all statements made herein of my own knowledge are true and that **all** statements made on information and belief are believed to be true, and further that these **statements** were made with the knowledge that willful false statements and the like so made are **punishable** by fine or imprisonment, or both, under section 1001 of Title 18 of the United States **Code**, and that such willful false statements may jeopardize the validity of the application or any **patent** issuing thereon.

Respectfully submitted,

  
Trish Paramore

Jackson Walker L.L.P.  
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ATTORNEY'S DOCKET NO.  
103376.00176

## APPLICATION FOR UNITED STATES PATENT

### DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN APPLICATION (37 C.F.R. 1.63)

As a below named inventor, I declare that my residence, mailing address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below), or an original, first and joint inventor (if plural names are listed below), of the subject matter which is claimed and for which a patent is sought on the invention U.S. Serial No. 10/544,091, filed July 29, 2005 entitled "Multi-Axial Positioning System for a Surgically-Implanted Spinal Support", the priority specification of which

☐ is attached hereto; or

☒ was filed on 29 January 2004 as PCT International Application Number PCT/US2004/002497 and was amended on \_\_\_\_\_, (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s) or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, any foreign application for patent, inventor's or plant breeder's rights certificates (s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Numbers (s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Claimed	Certified Copy Attached	
				Yes	No
10-2004-002497	WO	01/29/2004	Yes		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY:		I HEREBY APPOINT THE FOLLOWING ATTORNEYS TO PROSECUTE THIS APPLICATION AND TRANSACT ALL BUSINESS IN THE PATENT AND TRADEMARK OFFICE CONNECTED THEREWITH	
T. Ling Chwang, Reg. No. 33,590 Craig C. Conrad, Reg. No. 51,579		Robert C. Klinger, Reg. No. 34,365	Sara Wiley, Reg. No. 50,253
SEND CORRESPONDENCE TO:		Robert C. Klinger Jackson Walker L.L.P. 901 Main Street Suite 6000 Dallas, TX 75202	DIRECT TELEPHONE CALLS TO:  Robert C. Klinger 972-744-2902
NAME OF INVENTOR: (1)	NAME OF INVENTOR: (2)	NAME OF INVENTOR: (3)	NAME OF INVENTOR: (4)
Ian P. Murray			
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USA			
SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:	SIGNATURE OF INVENTOR:
DATE:	DATE:	DATE:	DATE: